17.12.2025
Sl. No.18
NB

CRM (A) 3714 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sankrail PS Case No.694/2025 dated 13.08.2025 under Sections 336(3)/336(4)/340(2)/318(4)/61(2) of the Bharatiya Nyaya Sanhita 2023.

And

In the matter of: Umesh Kumar Sharma @ Umesh Sharma

… petitioner

Mr. Prantik Garai,
Ms. Sreejoyee Bose,
Mr. Asad Ali,
Mr. Nishan Dey.

…for the petitioner.

Mr. Ranadeb Sengupta,
Ms. Eshita Dutta.

…for the State.

Mr. Sabyasachi Banerjee Sr.Adv.,
Mr. Anirban Dutta.

…for the de facto complainant.

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is an employee of the complainant company. His service has not yet been terminated. He was looking after the sales of the company and was posted in Delhi for that purpose. The consignment was sent to two entities, but they defaulted in making the payment, and the petitioner is being blamed for the same. The declaration relied upon by the de facto complainant can, at best be treated as an indemnity. In the event, the same was obtained under duress.

Learned senior counsel representing the de facto complainant opposes the prayer for anticipatory bail. He submits that the petitioner was in control of the business of the company for the North and the West regions. He procured two companies as intended purchasers and sent purchase orders from his own e-mail ID to the company's e-mail ID. However, during transit, the petitioner changed the addressee, and the goods were delivered to somebody else. Even the companies, whose purchase orders were given, denied having placed any such orders. In fact, a cheque was given to the company as part payment. The same was found to be issued from an account of a company where the petitioner's wife was a Director. Even, the said cheque was dishonoured. Fake purchase orders have been relied upon to dupe the de facto complainant/company and induce it to part with valuable goods. Even the GSTIN number of a different company was used for this purpose.

Learned counsel appearing on behalf of the State relies on the case diary and opposes the prayer for anticipatory bail. He refers to the statement of the carrier, which stated that the petitioner had changed the addressee and diverted the goods to another place at the last moment.

Considering the above and the other incriminating materials available in the case diary, I do not consider this to be a fit case for granting anticipatory bail.

The application for anticipatory bail being **CRM (A) 3714 of 2025** is, thus, rejected.

The personal appearance of the Investigating Officer is noted and is dispensed with.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)